

# MONTANA LEGISLATIVE HISTORY

Chapter 82 19 67

Bill H 445 S \_\_\_\_\_ Original bill & history    C

H. Committee on Affairs of Cities S. Committee on State Admin

Hearing Date(s) 2-2 ☒ C Hearing Date(s) 2-13 ☒ C

\_\_\_\_\_ ☐ C

2-15 ☒ C

\_\_\_\_\_ ☐ C

\_\_\_\_\_ ☐ C

\_\_\_\_\_ ☐ C

\_\_\_\_\_ ☐ C

Date Out \_\_\_\_\_ ☐ C

Did this bill originate in an interim committee?    Yes    No

Committee \_\_\_\_\_

Report \_\_\_\_\_

February 2, 1967

The Affairs of Cities committee met at special session on Thursday evening at 8:00 P.M. in room 431-32 with Mr. Jensen presiding. All members of the committee were in attendance.

House Bill No. 225 was moved by Mr. Manning that the amendments be adopted. The vote was unanimous.

House Bill No. 225 was then moved by Mr. Lundgren Do Pass as amended. The vote was unanimous.

Mr. Jensen presented the amendment that the percentage be increased from 5% to 15%. from H. B. No. 282.

Mr. Cox presented two amendments "AND PROVIDE AN EFFECTIVE DATE" be stricken from the title and Section 2 be stricken from the Bill. "This act shall be effective on passage and approval."

It was moved by Mr. Manning that these amendments be adopted. The vote was unanimous.

It was moved by Mr. Manning that H.B. No. 282 Do Pass as amended. Vote was unanimous.

H. B. No. 465 was discussed. This bill will be further studied by the committee and will be voted on at a later date.

H. B. No. 273 was moved by Mr. Manning Do Not Pass. Mr. Harrison, Mr. Ommunsen and Mr. Stratton voted against this motion.

H. B. No. 445 was discussed by Mr. McCullough.

Mr. Harrison moved that the bill be amended by striking out the last 5 words in the title "and providing for an effective date." and striking out Section 6 "This act shall become effective on its passage and approval."

Mr. Harrison moved H. B. 448 Do Pass as amended. Vote was unanimous.

Mr. Nugent moved that H. B. No. 186 Do Not Pass. Vote was unanimous.

House Bill No. 313 was discussed and a sub-committee appointed to make necessary amendments. This committee consists of Mr. Ommunsen, Mr. McGrath and Mr. Harrison. Will report back on Monday.

There being no further business the meeting was adjourned at 9:45 P.M.

  
MILLO JENSEN

- ☒ DO PASS  
☐ DO NOT PASS  
☐ BE CONCURRED IN  
☐ BE NOT CONCURRED IN  
☐ BE ADOPTED  
☐ BE NOT ADOPTED

# STANDING COMMITTEE REPORT

February 2, 1967

Journal

MR. SPEAKER:

~~MR. PRESIDENT:~~

We, your committee on HOUSE AFFAIRS OF CITIES

having had under consideration HOUSE Bill No. 445

A BILL FOR AN ACT ENTITLED: "AUTHORIZING POLITICAL AGENCIES OF THE STATE OF MONTANA TO ENTER INTO INTERLOCAL AGREEMENTS FOR THE EXERCISE JOINTLY OF THEIR RESPECTIVE POWERS AND PRIVILEGES; SPECIFYING THE FORM AND CONTENT OF INTERLOCAL AGREEMENTS; PROVIDING FOR THE APPROVAL OF SAID AGREEMENTS BY THE ATTORNEY GENERAL OF THE STATE OF MONTANA AND FOR THE FILING OF SAID AGREEMENTS AND AUTHORIZING PUBLIC AGENCIES TO APPROPRIATE FUNDS FOR AND TO DISPOSE OF PROPERTY TO ADMINISTRATIVE JOINT BOARDS CREATED BY INTERLOCAL CONTRACTS; ENACTING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 445

Be amended as follows:

In the Title, line 14, page one of the original bill strike out the words "AND PROVIDING AN EFFECTIVE DATE."

Further amend as follows: Section 6, line 16 and 17, page 4, strike out "This act shall become effective on its passage and approval."

DO PASS

1967 SENATE

| BILL NO. | ENTERED COMM. | OUT OF COMM. | COMMITTEE ON <u>STATE ADMINISTRATION</u> |                |                       |                      |                               |                |
|----------|---------------|--------------|------------------------------------------|----------------|-----------------------|----------------------|-------------------------------|----------------|
|          |               |              | DO<br>PASS                               | DO NOT<br>PASS | DO PASS<br>AS AMENDED | BE CON-<br>CURRED IN | BE CONCURRED IN<br>AS AMENDED | BE NO<br>CONCI |
| HB 216   |               | 2-15-67      |                                          |                |                       | x                    |                               |                |
| HB 344   |               | 2-24-67      |                                          |                |                       |                      | x                             |                |
| HB 208   |               | 2-14         |                                          |                |                       | x                    |                               |                |
| HB 269   |               | 2-14         |                                          |                |                       | x                    |                               |                |
| HB 217   |               | 2-15         |                                          |                |                       | x                    |                               |                |
| HB 445   |               | 2-14         |                                          |                |                       | x                    |                               |                |
| HB 456   |               | 2-20         |                                          |                |                       |                      | x                             |                |
| HB 382   |               | 2-22         |                                          |                |                       | x                    |                               |                |
| HB 417   |               | 2-14         |                                          |                |                       | x                    |                               |                |
| HB 505   |               | 2-22         |                                          |                |                       | x                    |                               |                |
| HB 377   |               | 2-17         |                                          |                |                       | x                    |                               |                |
| HB 346   |               | 2-22         |                                          |                |                       |                      |                               |                |
| HB 249   |               | 2-22         |                                          |                |                       | x                    |                               |                |
| SR 30    |               | 2-28         |                                          |                |                       |                      |                               |                |
| SR 31    |               | 2-28         |                                          |                |                       |                      |                               |                |
| SR 37    |               | 3-2          |                                          |                |                       |                      |                               |                |
| SR 39    |               | 3-2          |                                          |                |                       |                      |                               |                |
| EXSR 1   |               | 3-10         |                                          |                |                       |                      |                               |                |
| HJR 34   |               | 2-22         |                                          |                |                       |                      |                               |                |

February 13, 1967.

A meeting of the State Administration Committee was held in Room 410. Chairman James presided. Roll call was taken and a quorum was present.

HOUSE BILL 275 was considered by the committee. Rep. William E. Spahr, Chief Sponsor; stated this legislation makes the office of the criminal investigator a permanent position in the Attorney General's office. The present temporary legislation expires June, 1967. Alfred Coate, first assistant to the Attorney General, appeared in favor of the bill. He listed three minor changes from House Bill 434 which created the position of criminal investigator: (1) original bill prohibited criminal investigator from joining PERS; (2) changing the office to Helena from Deer Lodge; and (3) it would not allow any money for an automobile. Martin J. Mangan, the present criminal investigator, gave a brief summary of the activities of his office. The interested parties were excused after a brief question and answer session.

HOUSE BILL 280, asking for an extension of time to veterans applying for a World War I honorarium, was taken under advisement by the committee. Rep. Randall Teeple, Libby, explained the intent and was then excused.

HOUSE BILL 344 was then considered. Chase Patrick, Representative from Lewis and Clark, author of the bill, introduced Ralph Kenyon, State Controller. After a brief explanation of this legislation asking for centralized purchasing of data processing equipment, Mr. Kenyon and Rep. Patrick were excused. Mr. Kenyon's statement is attached.

HOUSE BILLS 165 and 166 were considered by the committee. Roderic Gudgel, representing the Montana State Pharmaceutical Association, stated the advantages of enacting legislation of this type allowing voluntary participation in research by inmates of institutions and also participation by the universities.

Rep. Al C. Newby, Chief Sponsor of House Bill 209 which would provide for certification and regulation of intrastate air carriers, introduced Charles Lynch, Aeronautics Commission, who presented his explanatory comments marked Exhibit "A" and attached hereto. Henry Loble, attorney for the Aeronautics Commission, spoke briefly in favor of this bill. General discussion followed after which the proponents were excused.

HOUSE BILL 255 was explained by Rep. Jerry Wallander, author. He stated justices of the peace should be able to have per diem for travel while attending one convention per year. After testifying, he was excused.

HOUSE BILL 445, authorizing political agencies of the state to enter into inter-local agreements, was explained by Rep. McCulloch. This legislation is supported by the Municipal League and the League of Women Voters. Mr. McCulloch was excused.

Taken under advisement at this time was HOUSE BILL 314, which was explained by Rep. Dave Drum. This would create a resource development fund which would allow the state to take a more forward position in encouraging development of state lands. Mons Teigen, State Land Commissioner, appeared in favor of this legislation together with Mr. Sternhagen, Attorney General's office, and Maurice J. Hickey, Montana Education Association.

There being no further business, the meeting was adjourned.

Senator Haughey moved HOUSE BILL 237 BE CONCURRED IN. Senator McKeon seconded and motion carried.

Senator McKeon moved HOUSE BILL 255 BE CONCURRED IN. Senator Judge seconded and motion carried.

Senator Haughey moved HOUSE BILL 269 BE CONCURRED IN. Senator McKeon seconded and motion carried.

Senator McKeon moved HOUSE BILL 208 BE CONCURRED IN. Senator Haughey seconded and motion carried.

Senator McKeon moved HOUSE BILL 280 BE CONCURRED IN. Senator Mackay seconded and motion carried.

HOUSE BILL 314 was placed in a subcommittee composed of Senators Haughey, Mackay and Judge.

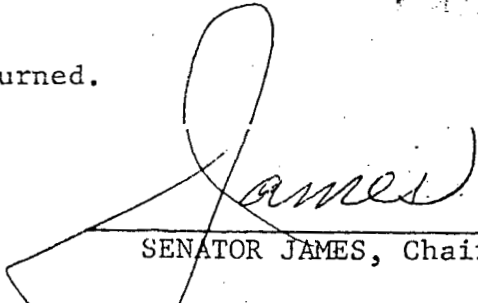
Senator Haughey will check into the possibility of amending HOUSE BILL 344.

Senator Rosell moved HOUSE BILL 445 BE CONCURRED IN. This was seconded by Senator Haughey and motion carried.

Senator McKeon moved HOUSE BILL 275 be amended by adding a new section 7 to provide that the office of the criminal investigator shall be located in Deer Lodge, Montana. It was seconded by Senator Haughey and motion carried. Senator McKeon moved HOUSE BILL 275 AS AMENDED BE CONCURRED IN. Senator Haughey seconded and motion carried.

Senator Mackay moved HOUSE BILL 417 BE CONCURRED IN. Senator McKeon seconded and motion carried.

Without objection, the meeting was adjourned.



SENATOR JAMES, Chairman

MR. PRESIDENT:

We, your committee on.....STATE ADMINISTRATION.....

having had under consideration.....HOUSE..... Bill No. 445

**A BILL FOR AN ACT ENTITLED: "AUTHORIZING POLITICAL AGENCIES OF THE STATE OF MONTANA TO ENTER INTO INTERLOCAL AGREEMENTS FOR THE EXERCISE JOINTLY OF THEIR RESPECTIVE POWERS AND PRIVILEGES; SPECIFYING THE FORM AND CONTENT OF INTERLOCAL AGREEMENTS; PROVIDING FOR THE APPROVAL OF SAID AGREEMENTS BY THE ATTORNEY GENERAL OF THE STATE OF MONTANA AND FOR THE FILING OF SAID AGREEMENTS AND AUTHORIZING PUBLIC AGENCIES TO APPROPRIATE FUNDS FOR AND TO DISPOSE OF PROPERTY TO ADMINISTRATIVE JOINT BOARDS CREATED BY INTERLOCAL CONTRACTS; ENACTING A SEVERABILITY CLAUSE."**

Respectfully report as follows: That.....HOUSE..... Bill No. 445

Letting contracts  
—advertising  
—execution.

"11-3516. **Letting of contracts—advertising for bids—execution.** All contracts entered into by the municipality for supplies or materials, for any public work, or for the construction, reconstruction, repair, maintenance or operation of any public works or improvements for which must be paid a sum exceeding *two thousands dollars (\$2,000)* shall be awarded to the lowest responsible bidder, after public advertisement and competition as may be prescribed by ordinance, but the manager shall have the right to reject all bids and advertise again. All advertisements as to contracts shall contain a reservation of the foregoing right. All contracts entered into by the municipality shall be signed by the manager after approval thereof by the commission."

Approved: February 20, 1967.

## CHAPTER 81

An Act Concerning Tax Levies in City-County Consolidated Governments, Providing That Tax Levies for Current Expenses Shall Not Be in Excess of the Maximum Levies Under Law for the Cities and Counties Which Have Been Consolidated; Changing the Limitation on Levies for Special Services; Amending Section 11-3455 and 11-3458, R.C.M. 1947.

*Be it enacted by the Legislative Assembly of the State of Montana:*

Amending clause.

Section 1. Section 11-3455, R.C.M. 1947, is amended to read as follows:

Tax levy for  
current expense  
—limitation.

"11-3455. **Tax levy for current expense—limitation on.** No ordinance making the annual tax levy shall be passed fixing the rate to be levied upon all property within the municipality to defray current expenses, including salaries otherwise unprovided for, in excess of *the maximum levies prescribed by law for general fund purposes in the county and the cities and towns which have been consolidated into a single government.*"

Amending clause.

Section 2. Section 11-3458, R.C.M. 1947, is amended to read as follows:

Tax levy for  
special services.

"11-3458. **Tax levy for special services.** The commission may by ordinance designate clearly specified dis-

tricts in or for which special services are to be performed and may levy upon the property in any such district such tax, in addition to any taxes authorized by section 11-3455 as may be necessary *with other available funds and grants* to pay the cost of such special service or services. *The boundaries of special service districts shall be regularly reviewed by the commissioners and may be adjusted upon recommendation by an authorized planning body in response to changing population patterns;* but in no case shall such additional levy be more than twenty (20) mills."

Approved: February 20, 1967.

## CHAPTER 82

An Act Authorizing Political Agencies of the State of Montana to Enter Into Interlocal Agreements for the Exercise Jointly of Their Respective Powers and Privileges; Specifying the Form and Content of Interlocal Agreements; Providing for the Approval of Said Agreements by the Attorney General of the State of Montana and for the Filing of Said Agreements and Authorizing Public Agencies to Appropriate Funds for and to Dispose of Property to Administrative Joint Boards Created by Interlocal Contracts; Enacting a Severability Clause.

*Be it enacted by the Legislative Assembly of the State of Montana:*

Section 1. **Purpose.** It is the purpose of this act to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other local governmental units on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

Political agencies  
may enter into  
agreements for  
joint exercise  
of powers.

Section 2. **Short title.** This act shall be known and cited as the Interlocal Cooperation Act.

Interlocal  
cooperation act.

Section 3. **Definitions.** For the purposes of this act the term "public agency" shall mean any political sub-

Definitions.  
"Public agency."



division, including municipalities, counties, school districts and any agency or department of the state of Montana.

Interlocal  
agreements.

Section 4. **Interlocal agreements.** Any one or more public agencies may contract with any one or more other public agencies to perform any administrative service, activity or undertaking which any of said public agencies entering into the contract is authorized by law to perform provided that such contract shall be authorized and approved by the governing body of each party to said contract. Such contract shall set forth fully the purposes, powers, rights, obligations and responsibilities of the contracting parties and shall specify the following:

Contract  
shall specify.

- (1) Its duration.
- (2) The precise organization, composition and nature of any separate legal entity created thereby.
- (3) The purpose or purposes of said interlocal contract.
- (4) The manner of financing the joint or cooperative undertaking and establishing and maintaining a budget therefor.
- (5) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.
- (6) Any other necessary and proper matters.
- (7) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking including representation of the contracting parties on said joint board.
- (8) The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.

Approval by  
attorney general.

(9) Every agreement made hereunder shall, prior to and as a condition precedent to its performance, be submitted to the attorney general of the state of Montana who shall determine whether the agreement is in proper form and compatible with the laws of the state of Montana. The attorney general shall approve any agreement submitted to him hereunder unless he shall find

it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within thirty (30) days of its submission shall constitute approval thereof.

(10) Within ten (10) days after the approval by the attorney general, and prior to commencement of its performance said interlocal contract made pursuant to this act shall be filed with the county clerk and recorder of the county or counties where said political agencies are situate and with the secretary of state of the state of Montana.

Filing of  
agreement.

(11) Any public agency entering into an interlocal contract pursuant to this act may appropriate funds for and may sell, lease, or otherwise give or supply to the administrative board created for the purpose of performance of said contract and may provide such personnel or services therefor as may be within its legal power to furnish.

Appropriation  
of funds.

Section 5. **Severability.** If a part of this act shall be declared to be invalid, all valid parts that are severable from the invalid parts remain in effect. If a part of this act is declared to be invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Severability  
clause.

Approved: February 20, 1967.

## CHAPTER 83

An Act to Amend Section 32-3601, R.C.M. 1947, Enacted as Section 7-101 Chapter 197, Laws of 1965, Increasing Permissive Levy for General Road Tax.

*Be it enacted by the Legislative Assembly of the State of Montana:*

Section 1. Section 32-3601 Revised Codes of Montana, 1947, is amended to read as follows:

Amending clause.

"32-3601. **General road tax.** (1) To raise revenue for the construction, maintenance, or improvement of public highways, each board of county commissioners may

General road tax.